

**FEE TRANSMITTAL  
for FY 2001  
(Small Entity)**

Complete if Known

Application Number	09/601,444
Filing Date	January 4, 2001
First Named Inventor	Esther H. Chang
Examiner Name	Dave Trong Nguyen
Group Art Unit	1632
Attorney Docket Number	2444-101

Total Amount of Payment (\$)**720.00**

**METHOD OF PAYMENT (check one)**

1. ☒ The Commissioner is hereby authorized to charge additional fees and credit any overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck

☒ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status.

2. ☒ Payment Enclosed:

☒ Check  
☐ Credit Card

**FEE CALCULATION**

**1. FILING FEE**

Fee Code	Fee \$	Fee Description	Fee Paid
201	370	Utility filing fee	[ ]
206	165	Design Filing Fee	[ ]
207	255	Plant Filing Fee	[ ]
208	370	Reissue Filing Fee	[ ]
214	80	Provisional Filing Fee	[ ]

**SUBTOTAL \$**

**2. CLAIMS**

Total Claims	Extra Claims	Fee	Fee Paid
[ ] - 20** = [ ] x		\$ 9 = [ ]	
Independent Claims [ ] - 3** = [ ] x		42 = [ ]	
Multiple Dependent Claims +		140 = [ ]	

\*\*or number previously paid, if greater;

**SUBTOTAL \$**

**FEE CALCULATION (continued)**

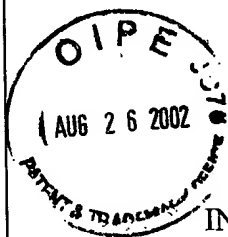
**3. ADDITIONAL FEES**

Fee Code	Fee Paid	Fee Description	Fee Paid
205	65	Surcharge - late filing fee or oath	[ ]
227	25	Surcharge - late provisional filing fee or cover sheet	[ ]
139	130	Non-English specification	[ ]
147	2,520	For filing a request for reexamination	[ ]
112	920	Requesting publication of SIR prior to Examiner action	[ ]
113	1,840*	Requesting publication of SIR after Examiner action	[ ]
215	55	Extension for reply within first month	[ ]
216	200	Extension for reply within second month	[ ]
217	460	Extension for reply within third month	[ ]
218	720	Extension for reply within fourth month	[720.00]
228	980	Extension for reply within fifth month	[ ]
219	160	Notice of Appeal	[ ]
220	160	Filing a brief in support of an appeal	[ ]
221	150	Request for Oral Hearing	[ ]
138	1,510	Petition to institute a public use proceeding	[ ]
240	55	Petition to revive -unavoidable	[ ]
241	640	Petition to revive - unintentional	[ ]
242	640	Utility issue fee (or reissue)	[ ]
243	230	Design issue fee	[ ]
244	310	Plant issue fee	[ ]
122	130	Petitions to the Commissioner	[ ]
123	50	Processing fee under 37 CFR 1.17(q)	[ ]
126	180	Submission of Information Disclosure Statement	[ ]
581	40	Recording each patent assignment per property (times number of properties)	[ ]
246	370	Filing a submission after final rejection (37 CFR .129(a))	[ ]
249	370	For each additional invention to be examined (37 CFR 1.129(b))	[ ]
279	370	Request for Continued Examination (RCE)	[ ]
169	900	Request for expedited examination of a design application	[ ]
195	300	Publication fee for early, voluntary, or normal publication	[ ]
196	300	Publication fee for republication	[ ]
089	200	Filing an application for patent term adjustment	[ ]
090	400	Request for reinstatement of term reduced	[ ]
		Other fee (specify)	[ ]

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL \$**

SUBMITTED BY		Complete (if applicable)	
NAME AND REG. NUMBER	Barbara G. Ernst, Reg. No. 30,377		
SIGNATURE	DATE	DEPOSIT ACCOUNT USER ID	
Barbara G. Ernst	Aug. 26, 2002		



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#13  
#002  
8/28/02  
RECEIVED  
AUG 28 2002  
TECH CENTER 1600/2600

In re Application of )

Esther H. CHANG *et al.* )

) Examiner: Dave Trong Nguyen

Serial No. 09/601,444 )

) Group Art Unit: 1632

Filed: January 4, 2001 )

For: TARGETED LIPOSOME GENE DELIVERY

RESPONSE TO OFFICE ACTION

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In an Office Action dated July 16, 2002, the examiner of the above-referenced patent application asserted that Applicant's response of April 26, 2002, to the Restriction Requirement of March 26, 2002, was not fully responsive. Specifically, the examiner asserted that in responding to part C of the election requirement, Applicants were required to elect one of either "a therapeutic agent which encodes a protein" or "a therapeutic agent which encodes an antisense oligonucleotide," even though the election requirement has listed these choices only as examples of therapeutic agents, as evidenced by the examiner's use of "e.g.," rather than as the only permissible choices.

As the examiner now has made clear that the election under part C of the election requirement must be limited to one of the two choices set forth above, Applicants hereby elect "a therapeutic agent which encodes a protein" as the species under part C of the election requirement. Applicants reiterate the other elections made in their response of April 26, 2002,

namely, their election of the claims of Group II and the embodiment of A) a tumor cell targeting ligand, D) a liposome mean diameter of about 30 to 75 nm, and E) a ratio of 0.1 to 50 nM liposomes per 1.0  $\mu$ g nucleic acid. No election under B) was required. The elections were made with traverse, as noted in the response of April 26, 2002, and Applicants request that the examiner consider the two way restriction of the claims as set forth in that paper.

Respectfully submitted,

By Barbara G. Ernst

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